

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

CNS INTERNATIONAL
MINISTRIES, INC.,
Plaintiff,

V.

ROBERT KNOELL,
Defendant.

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Case No. 2:21-cv-00065

**DEFENDANT’S MOTION FOR SUMMARY JUDGMENT ON COUNTS IV, VI, AND
NON-BACKGROUND CHECK ASPECTS OF COUNT III**

Plaintiff seeks declaratory and injunctive relief and brings as-applied challenges to the constitutional validity of several provisions of the recently adopted Residential Care Facility Notification Act, Mo. Rev. Stat. §§210.1250 to 210.1286, (RCFNA), and the Missouri Department of Social Services' implementing regulations regarding license exempt residential care facilities (LERCFs).

Plaintiff's procedural due process claims regarding the administrative review and appeal processes that apply to background check findings, raised in Counts III and VII, are addressed in a separate motion for summary judgment, together with Counts II and V.

This summary judgment motion, and Defendant's contemporaneously filed legal memorandum, asks the Court to grant Defendant summary judgment with respect to: (1) the remaining procedural due process claims in Count III; (2) Count IV; and (3) Count VI. Defendant, through counsel, pursuant to Rule 56(b) of the Federal Rules of Civil Procedure and Local Rule 4.1, moves the Court to grant summary judgment in his favor and against Plaintiff on those claims because there is no genuine issue of material fact and Defendant is entitled to summary judgment as a matter of law.

As set forth in Defendant's legal memorandum, Plaintiff's claims concerning Mo. Rev. Stat. §§210.143 and 210.1271 and Count IV are premised upon speculative, hypothetical future scenarios where a Missouri court might enter certain orders under §§210.143 or 210.1271. That is insufficient for this Court to grant declaratory or injunctive relief to Plaintiff. Plaintiff lacks standing to bring its claims under Counts IV or VI. The statutory provisions addressed in the supporting legal memorandum are constitutionally valid.

WHEREFORE, Defendant respectfully requests that the Court grant this motion for summary judgment.

Respectfully submitted,

ERIC S. SCHMITT

Attorney General

/s/ Emily A. Dodge

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of November, 2022, the foregoing was filed and served via the Court's electronic filing system upon all counsel of record.

/s/ Emily A. Dodge

Emily A. Dodge

Assistant Attorney General

